

HOUSE JOINT MEMORIAL 16

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THAT THE ATTORNEY GENERAL CONVENE A TASK FORCE TO STUDY THE TECHNOLOGICAL SOPHISTICATION OF VIRTUAL OR COMPUTER-GENERATED CHILD PORNOGRAPHY IN NEW MEXICO, ITS IMPACT ON NEW MEXICO'S CHILDREN AND THE EXTENT TO WHICH IT SUPPORTS THE CHILD PORNOGRAPHY MARKET.

WHEREAS, the state of New Mexico has a compelling duty and interest to protect its children from sexual exploitation and abuse and the physical, emotional and psychological harm sexual exploitation and abuse causes to children; and

WHEREAS, the state of New Mexico cannot tolerate its children to be used or viewed as sexual objects; and

WHEREAS, technological advancements make it possible for purveyors of child pornography to generate images either by "morphing" children's faces or body parts onto other images or

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1 by creating purely computer-generated pornography; and

2 WHEREAS, with the continued fast-paced advance of computer
3 technology, it may become increasingly difficult to discern
4 actual children from computer-generated images and thereby
5 increasingly difficult to prosecute cases involving actual
6 children; and

7 WHEREAS, computer-generated or altered images may still
8 encourage and promote a market for creation and distribution of
9 child pornography and the sexual abuse and exploitation of
10 actual children; and

11 WHEREAS, especially in the case of morphing, even if the
12 depicted child was not physically harmed in the production of
13 the image, the depicted child's emotional well-being and
14 reputation is subject to grievous psychological harm every time
15 the image is viewed or displayed by others;

16 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
17 STATE OF NEW MEXICO that the attorney general be requested to
18 convene a task force to study the technological sophistication
19 of virtual or computer-generated pornography in New Mexico, its
20 impacts on New Mexico's children and the extent to which it
21 supports the child pornography market; and

22 BE IT FURTHER RESOLVED that the task force include the
23 attorney general or the attorney general's designee; the
24 secretary of public safety or the secretary's designee; a
25 representative from the administrative office of the district

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1 attorneys; and any other entities deemed necessary by the
2 attorney general; and

3 BE IT FURTHER RESOLVED that the task force's study include
4 the following:

5 A. the pervasiveness and technological
6 sophistication of virtual or morphing technology in child
7 pornography in New Mexico and its effects on the child
8 pornography market;

9 B. the extent to which morphed images are used by
10 abusers to seduce, molest, entice or lure children;

11 C. the extent of physical, emotional and
12 psychological harm caused to identifiable child victims who are
13 depicted in morphed images; and

14 D. the extent to which abusers of actual children
15 are able to successfully evade prosecution by claiming that
16 there is reasonable doubt as to whether or not the children
17 depicted are real or computer-generated; and

18 BE IT FURTHER RESOLVED that the task force be requested to
19 present its findings, including any recommendations for
20 proposed legislation, to the appropriate interim legislative
21 committee no later than November 1, 2007; and

22 BE IT FURTHER RESOLVED that copies of this memorial be
23 transmitted to the attorney general, the secretary of public
24 safety and the administrative office of the district attorneys.